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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,804	10/06/2003	Teresa Joanne Hunkeler	I-2-0388.1US	3395

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EXAMINER	
HAILU, KIBROM T	

ART UNIT	PAPER NUMBER
2461	

NOTIFICATION DATE	DELIVERY MODE
05/31/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eoffice@volpe-koenig.com

Office Action Summary	Application No.	Applicant(s)	
	10/679,804	HUNKELER ET AL.	
	Examiner	Art Unit	
	KIBROM T. HAILU	2461	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-25 and 29-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-25 and 29-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/06/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Prosecution on the merits of this application is reopened on claims 22-25 and 29-42 considered unpatentable for the reasons indicated below: the previous action is withdrawn in view of the newly discovered reference(s) to O'Shea (US 7,580,390 B2) and Kauhanen (WO 01/65881 A1). Rejections based on the newly cited reference(s) follow. Objection to the drawing is also withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 22-25, 29-34 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds (US 7,149,524 B2) in view of O'Shea (US 7,580,390 B2), and further in view of Kauhanen (WO 01/65881 A1).

Regarding claim 22, 29 and 36, Reynolds discloses a method for use in a wireless transmit/receive unit (WTRU) (fig. 1), the method comprising: the WTRU establishing a session

in a first wireless communication system of a first type (col. 1, lines 27-37, illustrates initiating a session in one of the communication systems or technologies); the WTRU communicating data via the first wireless communication system using a first bearer, the WTRU performing a handover to the second wireless communication system, and in response to the handover, the WTRU communicating data via the second wireless communication system using a second bearer (fig. 2; col. 2, lines 15-37; col. 1, lines 13-21; col. 3, lines 55-62, clearly illustrating that the mobile station communicating the data a first bearer or channel and/or frequency, and in response to a handover performed to a different system, the mobile station communicates using different channel or bearer associated to the different system or technology), and the WTRU continuing the session in the second wireless communication system (col. 1, lines 39-46, 51-55; col. 2, lines 37-40, illustrate continuing a session in the second or different communication system after the handover).

Reynolds doesn't explicitly disclose translating, in the WTRU, the QoS requirements of defined according to the first wireless communication system to QoS requirements of defined according to a second wireless communication system of a second type; the first bearer has Quality of Service (QoS) requirements defined according to the first wireless communication system; the second bearer has the translated QoS requirements; and continue the session using the translated QoS requirements.

O'Shea teaches translating, in the WTRU, the QoS requirements of defined according to the first wireless communication system to QoS requirements of defined according to a second wireless communication system of a second type (abstract; col. 2, line 65-col. 3, line 8; col. 7,

lines 25-44, clearly describing that the WCD translates the quality requirements, such as frequency error, according to one communication system to another communication system).

O'Shea doesn't explicitly teach the first bearer has Quality of Service (QoS) requirements defined according to the first wireless communication system; the second bearer has the translated QoS requirements; and continue the session using the translated QoS requirements.

Kauhanen teaches the first bearer has Quality of Service (QoS) requirements defined according to the first wireless communication system (fig. 1; page 5, lines 23-24; page 3, lines 27-31, explaining the first connection path with the first quality parameter requirements defined according to the first communication system such as UMTS); and the second bearer has the translated QoS requirements (fig. 1; page 5, lines 28-30; page 12, line 26-page 13, line 2; page 11, lines 29-30, illustrating a second bearer or communication path defined according to a different or second communication system such as GSM); and continue the session using the translated QoS requirements (page 5, lines 25-27; page 12, line 14-col. 3, line 2, describe the continued using the translated or mapped quality parameter requirements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use translating, in the WTRU, the QoS requirements of defined according to the first wireless communication system to QoS requirements of defined according to a second wireless communication system of a second type; the first bearer has Quality of Service (QoS) requirements defined according to the first wireless communication system; the second bearer has the translated QoS requirements; and continue the session using the translated QoS requirements as taught by O'Shea and Kauhanen, respectively, into Reynolds in order to significantly decrease the acquisition time involved in converging to the correct frequency offset

in the second communication system and to improve communication reliability, and to eliminate obliging to send quality parameter requirements of a communication system every time a call set-up is made, thus disconnection and/or interruption of call service would be avoided.

Regarding claim 23, Reynolds discloses the first wireless communication system is a universal mobile telecommunication system (UMTS) and the second wireless communication system is a CDMA2000 system.

Regarding claim 24, 31 and 38, Reynolds discloses the first wireless communication system is a cellular system and the second wireless communication system is a wireless local area network (WLAN) (fig. 1).

Regarding claim 25, 32 and 39, Reynolds discloses the first wireless communication system is a wireless local area network (WLAN) and the second wireless communication system is a cellular system (fig. 1).

Regarding claim 30 and 37, as applied above, Reynolds discloses the first and second communication systems. However, Reynolds doesn't explicitly disclose the first wireless communication system is a universal mobile telecommunication system (UMTS) and the second wireless communication system is a CDMA2000 system.

Kauhanen teacehs the first wireless communication system is a universal mobile telecommunication system (UMTS) (page 2, lines 4-6). However, Kauhanen doesn't explicitly teach the second wireless communication system is a CDMA2000 system.

O'Shea teaches the second wireless communication system is a CDMA2000 system (O'Shea, col. 4, lines 27-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to the first wireless communication system is a universal mobile telecommunication system (UMTS) and the second wireless communication system is a CDMA2000 system as taught by Kauhanen and O'Shea into Reynolds in order to significantly decrease the acquisition time involved in converging to the correct frequency offset in the second communication system and to improve communication reliability, and to eliminate obliging to send quality parameter requirements of a communication system every time a call set-up is made, thus disconnection and/or interruption of call service would be avoided.

Regarding claim 33 and 40, the modified communication of Reynolds discloses the QoS requirements defined according to the first wireless communication system include at least one of: a data rate parameter; a jitter parameter; a QoS class parameter; or a transfer delay parameter (Kauhanen, page. 9, lines 10-21; page 12, lines 11-23).

Regarding claim 34 and 41, the modified communication of Reynolds discloses the application is a voice application (O'Shea, col. 1, lines 12-15; col. 7, line 57-col. 8, line 2).

5. Claims 35 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of O'Shea and Kauhanen, as applied to claim 29 and 36 above, and further in view of Gubbi (US 7,092,374 B1).

As applied above, the modified communication of Reynolds discloses an application. However, the modified communication of Reynolds doesn't disclose the application is a streaming application or a game application.

Gubbi teaches the application is a streaming application or a game application (col. 5, lines 35-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the application is a streaming application or a game application as taught by Gubbi into the modified communication of Reynolds in order to provide better throughput performance and efficient communication.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIBROM T. HAILU whose telephone number is (571)270-1209. The examiner can normally be reached on Monday-Thursday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KIBROM T HAILU/

Examiner, Art Unit 2461